

## Senator Tom Harkin

Good morning. This week, I was shocked – and, frankly, disgusted – by the Administration’s last-minute surrender to Big Tobacco.

As most of you know, the Justice Department has been prosecuting the tobacco industry in the largest civil racketeering and conspiracy case in U.S. history. The prosecutors had been seeking \$130 billion in penalties – money that would be used to fund tobacco-cessation programs to help victims of the industry’s conduct.

But all of this got blown out of the water on Wednesday when Justice Department lawyers suddenly announced that they would ask for only \$10 billion in penalties.

Think about it: After 8 months of courtroom litigation that the Government was almost certain to win . . . at the very end of the trial, during closing arguments . . . after testimony by the government’s own witnesses that at least \$130 billion would be needed to fund smoking cessation programs . . . the Justice Department just up and threw in the towel.

At the last minute, it snatched defeat from the jaws of victory.

And why? Well, is it just possible that this has something to do with massive campaign contributions from the tobacco companies?

Bear in mind that, four years ago, then-Attorney General John Ashcroft tried to settle or shelve the government’s case against the tobacco industry. But there was public outcry, and he backed off.

Well, here we go again. In what appears to be a political decision from the highest level, the Justice Department lawyers were told to call off the dogs and reduce the penalty request to just \$10 billion – for these tobacco companies, a slap on the wrist.

Even the tobacco industry was surprised by the magnitude of this gift from the Bush Administration.

On Tuesday, Dan Webb, the head lawyer for the tobacco companies, said, “We are very surprised. They’ve gone down from \$130 billion to \$10 billion with absolutely no explanation.”

Yesterday, in the courtroom, another Philip Morris lawyer gloated, saying that the penalty reduction showed that the Justice Department's cessation proposal was – quote – “in disarray.”

But the presiding judge, Gladys Kessler, interrupted him, saying, “No, there may be other reasons.” Meaning, presumably, political intervention.

Meanwhile, we learn in this morning's papers that the Justice Department pressured two of its own witnesses to soften recommendations about sanctions to be imposed on the tobacco companies.

Let's be clear, there was no disarray as far as the front-line Justice Department lawyers were concerned.

What those lawyers didn't know was that higher-ups in the administration were prepared to yank the rug out from under them at the very last minute.

The facts are clear and convincing: For more than five decades, the big tobacco companies spent billions of dollars to knowingly mislead and addict kids and adult smokers, and to conceal the dangers of cigarettes. Today, the tobacco companies should face the consequences and to pay for the damage they have knowingly done.

Fortunately, Judge Kessler, who has spent five years reviewing all the evidence of illegal conduct by the tobacco industry, will have the final say. She can choose to counter this apparent political intervention, and she can order damages appropriate to the immense harm caused by the tobacco companies' conduct.

Yesterday afternoon, I joined with other Senators in formally requesting the Justice Department's Inspector General to open an investigation into possible political interference in this litigation.

Justice should be blind; but, in this case, it looks like justice was rigged. The Inspector General needs to get to the bottom of this. And the American people deserve a full explanation.